

**BOONE COUNTY
BOARD OF ZONING APPEALS**

A. Petition Number:	16JE-7-087
B. Applicant:	Zachary and Brittany Weber
C. Identification Number:	<u>Parcel Combination</u> Parcel 1 (Tax Identification Number: 006-05680-00)
D. Location and Parcel Size:	The location of the subject 2.5 acre vacant property is directly south of 5494 West Hazelrigg Road; Thorntown, IN 46071. The subject property is currently zoned General Agricultural (AG).
E. Parcel History:	<u>History of Parcel</u> The subject 2.5 acres is a lot of record created by Paul Shahan on July 22, 1983. <u>APC Director Determination</u> In review of the subject 2.5 acre lot of record, the applicant is required to receive Special Exception approval from the Boone County Board of Zoning Appeals. Per Table 2, Authorized Uses of the Boone County Zoning Ordinance, any new single family dwelling in the General Agricultural Zoning District is required to receive Special Exception Approval.
F. Land Use and Zoning:	<u>Present Zoning</u> The present zoning classification of this property is General Agricultural (AG).
G. Action Requested:	<u>Special Exception</u> The applicant is seeking a Special Exception for the allowance of constructing a new single family residence in the General Agricultural Zoning District.
H. Soil Boring Report:	Boone County Health Department Letter Drafted: June 23, 2016 This office received a set of soil borings dated December 17, 2014 for the proposed lot located at 5467 Hazelrigg Road. The soil borings were taken by Bill Hosteter. In general, the soil borings for this lot are suitable for an in-ground septic system that must be dosed. Also the system must remain away from soil boring T7 or it will need to be a sand-lined septic system. The soils will be suitable as long as no soil disturbance occurs in the soil boring area between the date of when the borings were taken and the date of when the septic system is installed. Drainage will need to be available for this lot due to the seasonal high water table.
I. Utilities:	The subject property will be serviced by septic and well facilities.

Applicant: 16JE-7-087

Date: July 27, 2016 BZA Meeting

Petition: Special Exception for New Single Family Home

J. Technical Advisory Committee:

This item was reviewed by the (TAC) Technical Advisory Committee on July 5, 2016 and had the following comments:

Boone County Health Department

Letter Drafted: June 23, 2016

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Boone County Highway Department

The applicant will be required to apply for a new driveway permit for the proposed driveway on Hazelrigg Road.

Boone County Suveryors Office

The applicant has verified a drainage outlet for the subject property. At the time of application for a new single family residence, the applicant is required to receive a Drainage permit.

K. Director's Determination and Standards for Special Exception & Staff Analysis:

APC Director Determination of Land Use Process

The APC Director determined the subject property requires a Special Exception approval based on Table 2, Authorized Use of the Boone County Zoning Ordinance which requires Special Exception approval for a new single family dwelling in the General Agricultural District.

Standards for Evaluating Special Exceptions

Per Indiana Code 36-7-4-918.2, the Board may impose reasonable conditions as part of the approval. Per Indiana Code SS 36-7-4-921(a) (1), the Board may require the owner of the parcel to make a written commitment concerning the use or development of that parcel. In accordance with the Boone County Zoning Ordinance, all of the following conditions must be met in order to grant a Special Exception:

Evaluation Standard -1

The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals or general welfare.

APC Staff Comments:

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC) meeting, APC staff finds the petitioner has demonstrated to APC staff the ability to satisfy the zoning provisions of the Ordinance. The ability to meet the standards of the Ordinance inherently uphold the protection of the police power and pose no threats to endanger the public, health, safety, morals, or general welfare of the community.

Applicant: 16JE-7-087

Date: July 27, 2016 BZA Meeting

Petition: Special Exception for New Single Family Home

Evaluation Standard -2

The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC), APC staff finds in review of this petition, the application meets the standards of the zoning ordinance and poses no threat to the surrounding properties by the evidence submitted in the application for the future existence of the proposed single family home.

Evaluation Standard-3

The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the District.

The applicant has stated the special exception request is for the establishment of a building lot. In conducting property research on the property, the subject property is located in rural residential area, therefore, the future use of the property for a single residential dwelling will not impede adjacent properties from viable use of the land in the future.

Evaluation Standard-4

Adequate utilities, access road, drainage and other necessary Facilities have been or are being provided.

The applicant has stated in the application, the proposed lot will provide area for on-site septic system and private well.

Septic System-Boone County Health Department

Letter Drafted: June 23, 2016

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Drainage Outlet-The applicant has identified a viable drainage outlet to the Boone County Surveyors office. The applicant is required to receive a Boone County Drainage permit at the time of application for a single family residence permit.

Access Road-Hazelrigg Road

The location of the new driveway depicted on the site plan has been reviewed and approved. The proposed location of the new driveway is acceptable and will require a new driveway permit.

Applicant: 16JE-7-087

Date: July 27, 2016 BZA Meeting

Petition: Special Exception for New Single Family Home

Evaluation Standard-5

Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion on the public roadways.

The utilization of the existing driveway will not increase or alter the current level of traffic flow on Hazelrigg Road.

Evaluation Standard-6

The Special Exception will be located in a district where such use is permitted and all other requirements set forth in the Boone County Zoning Ordinance which are applicable to such use will be met.

As found in Table 2, Authorized Uses of the Boone County Zoning Ordinance, a Single Family Dwelling is permitted by Special Exception in the Agricultural District, therefore, the applicant has conducted the legal process for allowing a new single family structure in the Agricultural Zoning District.

Staff Analysis:

Based on the submitted information, Area Plan Staff recommends approval of the Special Exception as presented contingent on the following conditions:

- 1) The applicant shall Sign a Right-to-Farm Agreement.*
- 2) The applicant shall Sign a County Drainage Agreement.*
- 3) The applicant shall show a 40' wide Agricultural Buffer which borders agricultural practices.*
- 4) The Improvement Location Permit (ILP) issuance is subject to Final Technical Advisory Committee (TAC) review.*

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